**HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Criminal Revision No. 55/2004**

Chintamani Patewal ……Revisionist

Vs.

State of Uttaranchal and others …….Respondents

**Hon'ble Irshad Hussain, J.**

Heard Sri Sandeep Tandon learned counsel for the revisionist and learned A.G.A. for State. Perused the record.

This is a criminal revision under Section 397/401 of the Code of Criminal Procedure, 1973 (for Short 'Code') read with section 19(4) of the Family Courts Act against the impugned judgment and order dated 3.3.2004

By the said order, the Principal Judge, Family Court, Dehradun granted Rs. 1,000/- per month as interim maintenance to the respondent no.2 & 3. Perusal of the order reveal that the revisionist wanted to file objection against the interim maintenance. The application had, however, been allowed without giving opportunity to the revisionist to file the objections and therefore the order passed by the Principal Judge, Family Court, Dehradun does not appear to be just and proper and the same is liable to be set-aside.

In view of above, the revision is allowed and the impugned order dated 3.3.2004 is set-aside. However, in the peculiar circumstances of the case, when admitted by that the respondent no. 2 is residing separately with a minor daughter-respondent no.3, I fell it is just and proper to direct the revisionist to pay interim maintenance @ Rs. 700/- (Rupees seven hundred only) per month till the application for interim maintenance filed by the respondent no.2 is decided on merit by the Principal Judge, Family Court, Dehradun.

**(Irshad Hussain, J.)**

Date 16.4.2004

Rawat